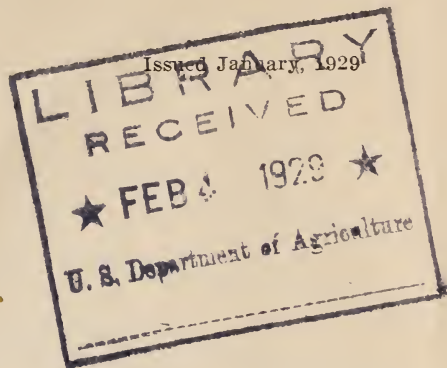


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## United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

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### SERVICE AND REGULATORY ANNOUNCEMENTS

Caustic Poison No. 1

(First revision)

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### REGULATIONS FOR THE ENFORCEMENT OF THE CAUSTIC POISON ACT

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#### INTRODUCTION

Pursuant to the authority contained in an act entitled "An act to safeguard the distribution and sale of certain dangerous caustic or corrosive acids, alkalies, and other substances in interstate and foreign commerce," approved March 4, 1927, the following rules and regulations are made and are hereby promulgated. Paragraph (e) of regulation 3, as issued in December, 1927, has been amended.

W. M. JARDINE,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *December 13, 1928.*



## REGULATIONS

### Regulation 1.—Definitions

(a) The word “container” as used in these regulations means a retail parcel, package, or container suitable for household use and employed exclusively to hold any dangerous caustic or corrosive substance defined in the act.

(b) The words “suitable for household use” mean and imply adaptability for ready or convenient handling in places where people dwell.

### Regulation 2.—Scope of the Act

The provisions of the act apply to any container which has been shipped or delivered for shipment in interstate or foreign commerce, as defined in section 2 (c) of the act, or which has been received from shipment in such commerce for sale or exchange, or which is sold or offered for sale or held for sale or exchange in any Territory or possession or in the District of Columbia.

### Regulation 3.—Labels

(a) The label or sticker shall be so firmly attached to the container that it will remain thereon while the container is being used, and be so placed as readily to attract attention.

(b) The common name of the dangerous caustic or corrosive substance which shall appear on the label or sticker is the name given in section 2 (a) of the act or any other name commonly employed to designate and identify such substance.

(c) Preparations within the scope of the act bearing trade or fanciful names shall, in addition, be labeled with the common name of the dangerous caustic or corrosive substance contained therein and comply with all the other requirements of the act and these regulations.

(d) If the name on the label or sticker is other than that of the manufacturer, it shall be qualified by such words as “packed for,” “packed by,” “sold by,” or “distributed by,” as the case may be, or by other appropriate expression.

(e) The following are styles of uncondensed gothic capital letters 24-point size:

**POISON**  
**POISON**  
**POISON**

When letters of not less than 24-point size are required on a label in stating the word “poison” they must not be smaller than those above set forth.

(f) Except as provided in paragraph (g) of this regulation, the container shall in all cases bear upon the label or sticker thereof, immediately following the word “Poison,” directions for treatment in the case of internal personal injury; in addition, if the substance may cause external injury, directions for appropriate treatment shall be given. The directions shall prescribe such treat-



ments for personal injury as are sanctioned by competent medical authority, and the materials called for by such directions shall be, whenever practicable, such as are usually available in the household.

(g) Manufacturers and wholesalers only, at the time of shipment or delivery for shipment, are exempted from placing directions for treatment on the label or sticker of any container for other than household use, but in any event the information required by section 2 (b), (1), (2), and (3) of the act and these regulations shall be given.

(h) A person who receives from a manufacturer or wholesaler any container which under the conditions set forth in section 2 (b) (4) of the act and regulation 3 (g) does not bear at the time of shipment directions for treatment in the case of personal injury must place such directions on the label or sticker if he offers such container for general sale or exchange.

#### Regulation 4.—Guaranty

(a) If a guaranty in respect to any specific lot of dangerous caustic or corrosive substances be given, it shall be incorporated in or attached to the bill of sale, invoice, or other schedule bearing date and the name and quantity of the substance sold, and shall not appear on the label or package.

The following are forms of specific guaranties—

(1) Substances for both household use and other than household use:

The undersigned guarantees that the retail parcels, packages, or containers of the dangerous caustic or corrosive substance or substances listed herein (or specifying the substances) are not misbranded within the meaning of the Federal caustic poison act.

(Signature and address of guarantor)

(2) Substances for other than household use (this form may be issued only by a manufacturer or wholesaler (regulation 3) (g) and (h)):

The dangerous caustic or corrosive substance or substances listed herein (or specifying the substances) in retail parcels, packages, or containers suitable for household use are for other than household use and are guaranteed not to be misbranded within the meaning of the Federal caustic poison act.

(Name and address of manufacturer or wholesaler)

(b) In lieu of a particular guaranty for each lot of dangerous caustic or corrosive substances, a general continuing guaranty may be furnished by the guarantor to actual or prospective purchasers.

The following are forms of continuing guaranties—

(1) Substances for both household use and other than household use:

The undersigned guarantees that the retail parcels, packages, or containers of the dangerous caustic or corrosive substance or substances to be sold to \_\_\_\_\_ are not misbranded within the meaning of the Federal caustic poison act.

(Date)

(Signature and address of guarantor)

(2) Substances for other than household use (this form may be issued only by a manufacturer or wholesaler (regulation 3 (g) and (h))) :

The dangerous caustic or corrosive substance or substances in retail parcels, packages, or containers suitable for household use to be sold to \_\_\_\_\_ are for other than household use, and guaranteed not to be misbranded within the meaning of the Federal caustic poison act.

(Date)

(Signature and address of manufacturer or wholesaler)

#### Regulation 5.—Collection of Samples

(a) Samples for examination by or under the direction and supervision of the Food, Drug, and Insecticide Administration shall be collected by—

(1) An authorized agent in the employ of the United States Department of Agriculture;

(2) Any officer of any State, Territory, or possession, or of the District of Columbia, authorized by the Secretary of the United States Department of Agriculture for the purpose.

(b) Caustic or corrosive substances within the scope of this act may be sampled wherever found.

(c) Samples collected by an authorized agent shall be analyzed at the laboratory designated by the Food, Drug, and Insecticide Administration.

(d) Only such samples as are collected in accordance with this regulation may be analyzed by or under the direction and supervision of the Food, Drug, and Insecticide Administration.

(e) Upon request one subdivision of the sample, if available, shall be delivered to the party or parties interested.

#### Regulation 6.—Investigations

Authorized agents in the employ of the United States Department of Agriculture may make investigations, including the inspection of premises where dangerous caustic and corrosive substances subject to the act are manufactured, packed, stored, or held for sale or distribution, and make examinations of freight and other transportation records.

#### Regulation 7.—Analysis

(a) The methods of examination or analysis employed shall be those prescribed by the Association of Official Agricultural Chemists, when applicable, provided, however, that any method of analysis or examination satisfactory to the Food, Drug, and Insecticide Administration may be employed.

(b) All percentages stated in the definitions in section 2 (a) of the act shall be determined by weight.

#### Regulation 8.—Hearings

Whenever it appears from the inspection, analysis, or test of any container that the provisions of section 3 or 6 of the act have been violated and criminal proceedings are contemplated, notice shall be given to the party or parties against whom prosecution is under consideration and to other interested parties, and a date shall be fixed at which such party or parties may be heard. The hearing shall be held at the office of the Food, Drug, and Insecticide Administration designated in the notice and shall be private and confined to questions of fact. The parties notified may present evidence, either oral or written, in person or by attorney, to show cause why the matter should not be referred for prosecution as a violation of the Federal caustic poison act.

No hearing is provided for when the health, medical, or drug officer or agent of any State, Territory, or possession, or of the District of Columbia, acts under the authority contained in section 8 of the act in reporting a violation direct to the United States attorney.

#### Regulation 9.—Publication

(a) After judgment of the court in any proceeding under the act, notice shall be given by publication. Such notice shall include the findings of the court and may include the findings of the analyst and such explanatory statements of facts as the Secretary of Agriculture may deem appropriate.

(b) This publication may be made in the form of a circular, notice, or bulletin, as the Secretary of Agriculture may direct.

(c) If an appeal be taken from the judgment of the court before such publication, that fact shall appear.

#### Regulation 10.—Imports

(a) Containers which are offered for import shall in all cases bear labels or stickers having thereon the information required by section 2 (b), (1), (2), and (3) of the act and the directions for treatment in the case of personal injury, except such directions need not appear on the label or sticker at the time of shipment by a wholesaler or manufacturer for other than household use.

(b) The enforcement of the provisions of the Federal caustic poison act as they relate to imported dangerous caustic or corrosive substances, will, as a general rule, be under the direction of the chief of the local inspection station of the Food, Drug, and Insecticide Administration, United States Department of Agriculture, and collectors of customs acting as administrative officers in



carrying out directions relative to the detention, exportation, and sale, or other disposition of such substances and action under the bond in case of non-compliance with the provisions of the act.

(c) Containers shall not be delivered to the consignee prior to report of examination, unless a bond has been given on the appropriate form for the amount of the full invoice value of such containers, together with the duty thereon, and on refusal of the consignee to return such containers for any cause to the custody of the collector when demanded, for the purpose of excluding them from the country or for any other purpose, the consignee shall pay an amount equal to the sum named in the bond, and such part of the duty, if any, as may be payable, as liquidated damages for failure to return to the collector on demand all containers covered by the bond.

(d) As soon as the importer makes entry, the invoices covering containers and the public stores packages shall be made available, with the least possible delay, for inspection by the representative of the station. When no sample is desired the invoice shall be stamped by the station "No sample desired, Food, Drug, and Insecticide Administration, U. S. Department of Agriculture, per (initials of inspecting officer)."

(e) On the same day that samples as requested by the station, the collector or appraiser shall notify the importer that samples will be taken, that the containers must be held intact pending a notice of the result of inspection and analysis, and that in case the containers do not comply with the requirements of the Federal caustic poison act, they must be returned to the collector for disposition. This notification may be given by the collector or appraiser through individual notices to the importer or by suitable bulletin notices posted daily in the customhouse.

(f) **NO VIOLATION—RELEASE.**

As soon as examination of the samples is completed, if no violation of the act is detected, the chief of the station shall send a notice of release to the importer and a copy of this notice to the collector of customs for his information.

(g) **VIOLATION.**

(1) If a violation of the Federal caustic poison act is disclosed, the chief of the station shall send to the importer due notice of the nature of the violation and of the time and place where evidence may be presented, showing that the containers should not be refused admission. At the same time similar notice regarding detention of the containers shall be sent to the collector, requesting him to refuse delivery thereof or to require their return to customs custody if by any chance the containers were released without the bond referred to in paragraph (c) of this regulation being given. The time allowed the importer for representations regarding the shipment may be extended at his request for a reasonable period to permit him to secure such evidence.

(2) If the importer does not reply to the notice of hearing in person or by letter within the time allowed on the notice, a second notice, marked "second and last notice," shall be sent at once by the chief of the station, advising him that failure to reply will cause definite recommendation to the collector that the containers be refused admission and that the containers be exported within three months under customs supervision.

*Rejected containers.*

(3) In all cases where the containers are to be refused admission, the chief of the station within one day after hearing, or, if the importer does not appear or reply within three days after second notice, shall notify the collector in duplicate accordingly.

(4) Not later than one day after receipt of this notice the collector shall sign and transmit to the importer one of the copies, which shall serve as notification to the importer that the containers must be exported under customs supervision within three months from such date, as provided by law; the other notice shall be retained as office record and later returned as a report to the chief of the station. In all cases the importer shall return his notice to the collector, properly certified as to the information required, as the form provides.

*Containers to be relabeled.*

(5) If containers are to be released after relabeling, a notice shall be sent by the chief of station direct to the importer, a carbon copy being sent to the collector. This notice must state specifically the conditions to be performed, so as to bring the performance thereof under the provisions of the customs bonds on consumption and warehouse entries, these bonds including provisions requiring compliance with all of the requirements of the Federal caustic poison



act and all regulations and instructions issued thereunder. The notice will also state the officer to be notified by the importer when the containers are ready for inspection.

(6) The importer must return the notice to the collector or chief of station, as designated, with the certificate thereon filled out, stating that he has complied with the prescribed conditions and that the containers are ready for inspection at the place named.

(7) This notice will be delivered to the inspection officer, who, after inspection, will indorse the result thereof on the back of the notice and return the same to the collector or to the chief of station, as the case may be.

(8) When the conditions to be complied with are under the supervision of the chief of station, and these conditions have been fully met, he shall release the containers to the importer, sending a copy of the notice of release to the collector for his information.

If containers have not been properly relabeled within the period allowed, the chief of station shall immediately give notice in duplicate to the collector of the results of inspection. The collector shall sign and immediately transmit one copy of the notice to the importer and proceed in the usual manner.

(9) If the containers are detained, subject to relabeling to be performed under the collector's supervision, the collector, as soon as relabeling is accomplished, will notify the importer that the containers are released.

(10) If containers have not been properly relabeled within the period allowed, their sale after labeling as required by the act or other disposition must be effected by the collector.

(11) When final action has been taken on containers which have been refused admission, sold, or otherwise disposed of as provided for by the act or which have been relabeled under the collector's supervision, the collector shall send to the chief of station a notice of such final action, giving the date and disposition.

(12) When relabeling is allowed the importer must furnish satisfactory evidence as to the identity of the containers before release is given. The relabeling must be done at a stated place and apart from other containers of a similar nature.

(13) When containers are shipped to another port for relabeling or exportation, they must be shipped under customs carrier's manifest, in the same manner as shipments in bond.

(14) Collectors of customs will perform the inspection service whenever containers are to be exported, sold, or otherwise disposed of, and in other cases when there is no officer of the station available.

(15) Collectors of customs and representatives of the station will confer and arrange the apportionment of the inspection service according to local conditions. Officers of the station will, whenever feasible, perform the inspection service in connection with relabeling.

(h) PENALTIES.

(1) In case of failure to comply with the instructions or recommendations of the chief of station as to conditions under which containers may be disposed of, the collector shall notify the chief of station in all cases coming to his attention within three days after inspection or after the expiration of the three months allowed by law if no action is taken.

(2) The chief of station, upon receipt of the above-described notice, and in all cases of failure to meet the conditions imposed in order to comply with the provisions of the Federal caustic poison act coming directly under his supervision, shall transmit to the collector of customs such evidence as he may have at hand tending to indicate the importer's liability and make a recommendation accordingly.

(3) The collector, within three days of the receipt of this recommendation, whether favorable or otherwise, shall notify the importer that, the legal period of three months for exportation or relabeling having expired, action will be taken within 30 days to enforce the terms of the bond.

(i) NONLABORATORY PORTS.

(1) At the ports of entry where there is no station of the Food, Drug, and Insecticide Administration, the collector or deputy, on the day when the first notice of expected shipment of containers is received, either by invoice or entry, shall notify the chief of station in whose territory the port is located.

(2) On the day of receipt of such notice the chief of station shall mail to the collector appropriate notice, if no sample is desired. This notice serves as an

equivalent to stamping the invoices at station ports with the legend "No sample desired, Food, Drug, and Insecticide Administration, United States Department of Agriculture, per (initials of inspecting officer)."

(3) If samples are desired, the chief of station shall immediately notify the collector.

(4) The collector at once shall forward samples, accompanied by description of shipment.

(5) When samples are desired from each shipment of containers, the chief of station shall furnish to collector and deputies at ports within the station's territory a list of such containers, indicating the size of sample necessary. Samples should then be sent promptly on arrival of containers without awaiting special request.

(6) In all other particulars the procedure shall be the same at nonlaboratory ports as at laboratory ports, except that the time consumed in delivery of notices by mail shall be allowed for.

(j) The chief of station shall be deemed a customs officer in enforcing import regulations.

### Regulation 11

The Federal caustic poison act shall be enforced by the Food, Drug, and Insecticide Administration, United States Department of Agriculture.

## FEDERAL CAUSTIC POISON ACT<sup>1</sup>

AN ACT To safeguard the distribution and sale of certain dangerous caustic or corrosive acids, alkalies, and other substances in interstate and foreign commerce.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this act may be cited as the Federal caustic poison act.

### DEFINITIONS

SEC. 2. As used in this act, unless the context otherwise requires—

(a) The term “dangerous caustic or corrosive substance” means:

(1) Hydrochloric acid and any preparation containing free or chemically unneutralized hydrochloric acid ( $\text{HCl}$ ) in a concentration of 10 per centum or more;

(2) Sulphuric acid and any preparation containing free or chemically unneutralized sulphuric acid ( $\text{H}_2\text{SO}_4$ ) in a concentration of 10 per centum or more;

(3) Nitric acid or any preparation containing free or chemically unneutralized nitric acid ( $\text{HNO}_3$ ) in a concentration of 5 per centum or more;

(4) Carbohic acid ( $\text{C}_6\text{H}_5\text{OH}$ ), otherwise known as phenol, and any preparation containing carbohic acid in a concentration of 5 per centum or more;

(5) Oxalic acid and any preparation containing free or chemically unneutralized oxalic acid ( $\text{H}_2\text{C}_2\text{O}_4$ ) in a concentration of 10 per centum or more;

(6) Any salt of oxalic acid and any preparation containing any such salt in a concentration of 10 per centum or more;

(7) Acetic acid or any preparation containing free or chemically unneutralized acetic acid ( $\text{HC}_2\text{H}_3\text{O}_2$ ) in a concentration of 20 per centum or more;

(8) Hypochlorous acid, either free or combined, and any preparation containing the same in a concentration so as to yield 10 per centum or more by weight of available chlorine, excluding calx chlorinata, bleaching powder, and chloride of lime;

(9) Postassium hydroxide and any preparation containing free or chemically unneutralized potassium hydroxide ( $\text{KOH}$ ), including caustic potash and Vienna paste, in a concentration of 10 per centum or more;

(10) Sodium hydroxide and any preparation containing free or chemically unneutralized sodium hydroxide ( $\text{NaOH}$ ), including caustic soda and lye, in a concentration of 10 per centum or more;

(11) Silver nitrate, sometimes known as lunar caustic, and any preparation containing silver nitrate ( $\text{AgNO}_3$ ) in a concentration of 5 per centum or more; and

(12) Ammonia water and any preparation containing free or chemically uncombined ammonia ( $\text{NH}_3$ ), including ammonium hydroxide and “hartshorn,” in a concentration of 5 per centum or more.

(b) The term “misbranded parcel, package, or container” means a retail parcel, package, or container of any dangerous caustic or corrosive substance not bearing a conspicuous, easily legible label or sticker, containing:

(1) The common name of the substance;

(2) The name and place of business of the manufacturer, packer, seller, or distributor;

(3) The word “poison,” running parallel with the main body of reading matter on the label or sticker, on a clear, plain background of a distinctly contrasting color, in uncondensed gothic capital letters, the letters to be not less than twenty-four point size unless there is on the label or sticker no other type so large, in which event the type shall be not smaller than the largest type on the label or sticker; and

(4) Directions for treatment in case of accidental personal injury by any dangerous caustic or corrosive substance, except that such directions need not

<sup>1</sup> 44 Stat. 1406.



appear on labels or stickers, on parcels, packages, or containers at the time of shipment or of delivery for shipment by manufacturers and wholesalers for other than household use.

(c) The term "interstate or foreign commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession, or the District of Columbia.

(d) This act is not to be construed as modifying or limiting in any way the right of any person to manufacture, pack, ship, sell, barter, and distribute dangerous caustic or corrosive substances in parcels, packages, or containers, labeled as required by this act.

#### PROHIBITION AGAINST MISBRANDED SHIPMENTS

SEC. 3. No person shall ship or deliver for shipment in interstate or foreign commerce or receive from shipment in such commerce any dangerous caustic or corrosive substance for sale or exchange, or sell or offer for sale any such substance in any Territory or possession or in the District of Columbia, in a misbranded parcel, package, or container suitable for household use; except that the preceding provisions of this section shall not apply—

(a) To any regularly established common carrier shipping or delivering for shipment, or receiving from shipment, any such substance in the ordinary course of its business as a common carrier; nor

(b) To any person in respect of any such substance shipped or delivered for shipment, or received from shipment, for export to any foreign country, in a parcel, package, or container branded in accordance with the specifications of a foreign purchaser and in accordance with the laws of the foreign country;

(c) To any dealer when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the article is not misbranded within the meaning of this act. This guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such article to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this act.

#### LIBEL FOR CONDEMNATION PROCEEDINGS

SEC. 4. (a) Any dangerous caustic or corrosive substance in a misbranded parcel, package, or container suitable for household use shall be liable to be proceeded against in the district court of the United States for any judicial district in which the substance is found and to be seized for confiscation by a process of libel for condemnation, if such substance is being:

(1) Shipped in interstate or foreign commerce; or

(2) Held for sale or exchange after having been so shipped; or

(3) Held for sale or exchange in any Territory or possession or in the District of Columbia.

(b) If such substance is condemned as misbranded by the court it shall be disposed of in the discretion of the court:

(1) By destruction.

(2) By sale. The proceeds of the sale, less legal costs and charges, shall be paid into the Treasury as miscellaneous receipts. Such substance shall not be sold in any jurisdiction contrary to the provisions of this act or the laws of such jurisdiction, and the court may require the purchaser at any such sale to label such substance in compliance with law before the delivery thereof.

(3) By delivery to the owner thereof upon the payment of legal costs and charges and execution and delivery of a good and sufficient bond to the effect that such substance will not be sold or otherwise disposed of in any jurisdiction contrary to the provisions of this act or the laws of such jurisdiction.

(c) Proceedings in such libel cases shall conform, as nearly as may be, to suits in rem in admiralty, except that either party may demand trial by jury on any issue of fact if the value in controversy exceeds \$20. In case of a jury trial the verdict of the jury shall have the same effect as a finding of the court upon the facts. All such proceedings shall be at the suit and in the name of the United States.

**EXCLUSION OF MISBRANDED IMPORTS**

**SEC. 5.** (a) Whenever in the case of any dangerous caustic or corrosive substance being offered for importation the Secretary of Agriculture has reason to believe that such substance is being shipped in interstate or foreign commerce in violation of section 3, he shall give due notice and opportunity for hearing thereon to the owner or consignee and certify such fact to the Secretary of the Treasury, who shall thereupon (1) refuse admission and delivery to the consignee of such substance, or (2) deliver such substance to the consignee pending examination, hearing, and decision in the matter, on the execution of a penal bond to the amount of the full invoice value of such substance, together with the duty thereon, if any, and to the effect that on refusal to return such substance for any cause to the Secretary of the Treasury when demanded for the purpose of excluding it from the country or for any other purpose, the consignee shall forfeit the full amount of the bond.

(b) If, after proceeding in accordance with subdivision (a), the Secretary of Agriculture is satisfied that such substance being offered for importation was shipped in interstate or foreign commerce in violation of any provision of this act, he shall certify the fact to the Secretary of the Treasury, who shall thereupon notify the owner or consignee and cause the sale or other disposition of such substance refused admission and delivery or entered under bond, unless it is exported by the owner or consignee or labeled by him so as to conform to the law within three months from the date of such notice, under such regulations as the Secretary of the Treasury may prescribe. All charges for storage, cartage, or labor on any such substance refused admission or delivery or entered upon bond shall be paid by the owner or consignee. In default of such payment such charges shall constitute a lien against any future importations made by such owner or consignee.

**REMOVAL OF LABELS**

**SEC. 6.** No person shall alter, mutilate, destroy, obliterate, or remove any label or sticker required by this act to be placed on any dangerous caustic or corrosive substance, if such substance is being—

- (a) Shipped in interstate or foreign commerce; or
- (b) Held for sale or exchange after having been so shipped; or
- (c) Held for sale or exchange in any Territory or possession or by the District of Columbia.

**PENALTIES**

**SEC. 7.** Any person violating any provision of section 3 or 6 shall upon conviction thereof be punished by a fine of not more than \$200 or imprisonment for not more than 90 days, or by both.

**INSTITUTION OF LIBEL FOR CONDEMNATION AND CRIMINAL PROCEEDINGS**

**SEC. 8.** It shall be the duty of each United States district attorney to whom the Secretary of Agriculture shall report any violation of section 3 or 6 of this act or to whom any health, medical, or drug officer or agent of any State, Territory, or possession, or of the District of Columbia, presents satisfactory evidence of any such violation, to cause libel for condemnation and criminal proceedings under sections 4 and 7 to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the condemnation and penalties provided in such sections.

**ENFORCEMENT OF ACT**

**SEC. 9.** (a) Except as otherwise specifically provided in this act, the Secretary of Agriculture shall enforce its provisions.

(b) For enforcing the provisions of sections 4, 5, and 7, the Secretary of Agriculture may cause investigations, inspections, analyses, and tests to be made and samples to be collected, of any dangerous caustic or corrosive substance. The Department of Agriculture shall pay to the person entitled, upon his request, the reasonable market value of any such sample taken. If it appears from the inspection, analysis, or test of any dangerous caustic or corrosive substance that such substance is in a misbranded package, parcel, or container



suitable for household use, the Secretary of Agriculture shall cause notice thereof to be given to any person who may be liable for any violation of section 3 or 6 in respect of such substance. Any person so notified shall be given an opportunity to be heard under regulations prescribed by the Secretary of Agriculture. If it appears that such person has violated the provisions of section 3 or 6 the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the inspection, analysis, or test duly authenticated under oath by the person making such inspection, analysis, or test.

(c) For the enforcement of his functions under this act the Secretary of Agriculture is authorized:

- (1) To prescribe and promulgate such regulations as may be necessary;
- (2) To cooperate with any department or agency of the Government, with any State, Territory, or possession, or with the District of Columbia, or with any department, agency, or political subdivision thereof, or with any person;
- (3) Subject to the civil service laws to appoint and, in accordance with the classification act of 1923, to fix the salaries of such officers and employees as may be required for the execution of the functions of the Secretary of Agriculture under this act and as may be provided for by the Congress from time to time;
- (4) To make such expenditures (including expenditures for personal services and rent at the seat of Government and elsewhere, and for law books, books of reference, and periodicals) as may be required for the execution of the functions vested in the Secretary of Agriculture by this act and as may be provided for by the Congress from time to time;
- (5) To give notice, by publication in such manner as the Secretary of Agriculture may by regulation prescribe, of the judgment of the court in any case under the provisions of this act.

#### SEPARABILITY CLAUSE

SEC. 10. If any provision of this act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby.

#### TIME OF TAKING EFFECT

SEC. 11. This act shall take effect upon its passage; but no penalty or condemnation shall be enforced for any violation of the act occurring within six months after its passage.

#### APPLICATION TO EXISTING LAW

SEC. 12. The provisions of this act shall be held to be in addition to and not in substitution for the provisions of the following acts—

- (a) The food and drugs act, approved June 30, 1906, as amended;
- (b) The insecticide act of 1910, as amended;
- (c) The act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906, as amended.

Approved, March 4, 1927,